

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-3681/1</b>	<b>Introduction Number</b> <b>AB-0558</b>
<b>Description</b> The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty	
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate  <div style="margin-left: 20px;"> <input type="checkbox"/> Increase Existing Appropriations  <input type="checkbox"/> Decrease Existing Appropriations  <input type="checkbox"/> Create New Appropriations                             </div> </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                             </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget  <div style="margin-left: 20px;"> <input type="checkbox"/> Yes    <input type="checkbox"/> No                             </div> <input type="checkbox"/> Decrease Costs                         </div> </div> <b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input checked="" type="checkbox"/> Indeterminate  <div style="margin-left: 20px;"> <div style="display: flex; justify-content: space-between;"> <div>                         1. <input type="checkbox"/> Increase Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                          2. <input type="checkbox"/> Decrease Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                             </div> <div>                         3. <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                          4. <input type="checkbox"/> Decrease Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                             </div> </div> </div> </div> <div style="width: 33%;"> <b>5. Types of Local Government Units Affected</b>  <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns  <input type="checkbox"/> Counties  <input type="checkbox"/> School Districts                             </div> <div style="width: 33%;"> <input type="checkbox"/> Village  <input type="checkbox"/> Others  <input type="checkbox"/> WTCS Districts                             </div> <div style="width: 33%;"> <input type="checkbox"/> Cities                             </div> </div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEGS                         </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>	
<b>Agency/Prepared By</b> DA/ Phil Werner (608) 267-2700	<b>Authorized Signature</b> Tom Herman (608) 266-0239
<b>Date</b> 11/13/2009	

## Fiscal Estimate Narratives

DA 11/13/2009

LRB Number	09-3681/1	Introduction Number	AB-0558	Estimate Type	Original
<b>Description</b> The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Prosecutors expect a significant fiscal impact on their offices should this bill be enacted. The workload would increase due to:

- (1) an increased number of felonies
- (2) domestic abuse cases would be contested more than they currently are, due to the collateral consequence, which only exists now in federal court and is rarely prosecuted
- (3) many people will seek to re-open old convictions.

Input from prosecutors projected an increase of 20,000 hours of prosecutorial time needed for these cases. In accordance with an LAB study, 1,227 hours are used to estimate time available for prosecutors to prosecute individual cases. 20,000 hours divided by 1,227 hours represents a need of 16.3 additional prosecutors.

Using the current pay range minimum of \$23.673/hour for an ADA, the annual salary equates to approximately \$49,429. Using a full fringe rate of 39.19%, the annual fringe costs would be approximately \$19,371. The salary and fringe cost for each new prosecutor would be approximately \$68,800 per year. The annual cost for 16.3 additional prosecutors would be approximately \$1,121,440.

### Long-Range Fiscal Implications

#### Long-Range Fiscal Implications

Prosecutors anticipate a significant long-term fiscal impact on their offices if this bill is enacted. Please see the narrative above regarding the potential long-term fiscal impact.

## Fiscal Estimate - 2009 Session

☐ Original
 ☒ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-3681/1</b>	<b>Introduction Number</b> <b>AB-0558</b>	
<b>Description</b> The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty		
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate                         </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Appropriations  <input type="checkbox"/> Decrease Existing Appropriations  <input type="checkbox"/> Create New Appropriations                         </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues  <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget  <div style="display: flex; justify-content: space-around; font-size: small;"> <input type="checkbox"/> Yes                             <input type="checkbox"/> No                         </div> <input type="checkbox"/> Decrease Costs                     </div> </div>		
<b>Local:</b> <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input checked="" type="checkbox"/> Indeterminate                         </div> <div style="width: 33%;"> <div style="display: flex; justify-content: space-between; font-size: small;"> <div>                             1. <input type="checkbox"/> Increase Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                              2. <input type="checkbox"/> Decrease Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                         </div> <div>                             3. <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                              4. <input type="checkbox"/> Decrease Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                         </div> </div> </div> <div style="width: 33%;"> <b>5. Types of Local Government Units Affected</b>  <div style="display: flex; flex-wrap: wrap; font-size: small;"> <div style="width: 33%;"> <input type="checkbox"/> Towns  <input type="checkbox"/> Counties  <input type="checkbox"/> School Districts                             </div> <div style="width: 33%;"> <input type="checkbox"/> Village  <input type="checkbox"/> Others  <input type="checkbox"/> WTCS Districts                             </div> <div style="width: 33%;"> <input type="checkbox"/> Cities                             </div> </div> </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEGS                         </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>		
<b>Agency/Prepared By</b> DA/ Phil Werner (608) 267-2700	<b>Authorized Signature</b> Tom Herman (608) 266-0239	<b>Date</b> 11/25/2009

## Fiscal Estimate Narratives

DA 11/25/2009

LRB Number	09-3681/1	Introduction Number	AB-0558	Estimate Type	Updated
<b>Description</b> The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Prosecutors expect a significant fiscal impact on their offices should this bill be enacted. The workload would increase due to:

- (1) an increased number of felonies
- (2) domestic abuse cases would be contested more than they currently are, due to the collateral consequence, which only exists now in federal court and is rarely prosecuted
- (3) many people will seek to re-open old convictions.

Input from prosecutors projected an increase of 20,000 hours of prosecutorial time needed for these cases. In accordance with an LAB study, 1,227 hours are used to estimate time available for prosecutors to prosecute individual cases. 20,000 hours divided by 1,227 hours represents a need of 16.3 additional prosecutors.

Using the current pay range minimum of \$23.673/hour for an ADA, the annual salary equates to approximately \$49,429. Using a full fringe rate of 39.19%, the annual fringe costs would be approximately \$19,371. The salary and fringe cost for each new prosecutor would be approximately \$68,800 per year. The annual cost for 16.3 additional prosecutors would be approximately \$1,121,440.

-----  
Based upon additional input from prosecutors, this fiscal estimate is updated as follows:

Though current federal law prohibits a person who is convicted of a misdemeanor crime of domestic violence from possessing a firearm, federal enforcement of this law has been limited. Should it become State law, DAs would need to prosecute these cases. DAs believe that there are many such cases in their jurisdiction, and that their workload would increase dramatically. Particularly in rural counties, where the great majority of residents possess firearms for hunting, safety, etc., those prosecuted for DV wouldn't agree/plead to a DV charge. Consequently, this would require additional prosecution time. In addition, the right to bear arms as a matter of personal defense will likely result in strong resistance to prosecutions that threaten such rights, resulting in more litigation.

Prosecutors expect a significant fiscal impact on their offices should this bill be enacted. The workload would increase due to:

- (1) an increased number of felonies
- (2) domestic abuse cases would be contested more than they currently are, due to the collateral consequence, which only exists now in federal court and is rarely prosecuted.

Input from prosecutors projected an increase of 20,000 hours of prosecutorial time needed for these cases. In accordance with an LAB study, 1,227 hours are used to estimate time available for prosecutors to prosecute individual cases. 20,000 hours divided by 1,227 hours represents a need of 16.3 additional prosecutors.

Using the current pay range minimum of \$23.673/hour for an ADA, the annual salary equates to approximately \$49,429. Using a full fringe rate of 39.19%, the annual fringe costs would be approximately \$19,371. The salary and fringe cost for each new prosecutor would be approximately \$68,800 per year. The annual cost for 16.3 additional prosecutors would be approximately \$1,121,440.

### Long-Range Fiscal Implications

## Long-Range Fiscal Implications

Prosecutors anticipate a significant long-term fiscal impact on their offices if this bill is enacted. Please see the narrative above regarding the potential long-term fiscal impact.

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-3681/1</b>	<b>Introduction Number</b> <b>AB-0558</b>	
<b>Description</b> The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty		
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate  <div style="margin-left: 20px;"> <input type="checkbox"/> Increase Existing Appropriations  <input type="checkbox"/> Decrease Existing Appropriations  <input type="checkbox"/> Create New Appropriations                         </div> </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                         </div> <div style="width: 33%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget  <div style="margin-left: 40px;"> <input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No                         </div> <input type="checkbox"/> Decrease Costs                     </div> </div> <b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input checked="" type="checkbox"/> Indeterminate  <div style="margin-left: 20px;">                         1. <input checked="" type="checkbox"/> Increase Costs  <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory                          2. <input type="checkbox"/> Decrease Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> </div> <div style="width: 33%;"> <div style="margin-left: 20px;">                         3. <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                          4. <input type="checkbox"/> Decrease Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> </div> <div style="width: 33%;"> <b>5.Types of Local Government Units Affected</b>  <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns  <input checked="" type="checkbox"/> Counties  <input type="checkbox"/> School Districts                         </div> <div style="width: 33%;"> <input type="checkbox"/> Village  <input type="checkbox"/> Others  <input type="checkbox"/> WTCS Districts                         </div> <div style="width: 33%;"> <input type="checkbox"/> Cities                     </div> </div> </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEGS                     </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>		
<b>Agency/Prepared By</b>  DOC/ Sue Loniello (608) 240-5524	<b>Authorized Signature</b>  Robert Margolies (608) 240-5056	<b>Date</b>  11/10/2009

## Fiscal Estimate Narratives

DOC 11/10/2009

LRB Number	09-3681/1	Introduction Number	AB-0558	Estimate Type	Original
<b>Description</b>					
The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

This bill expands the prohibition of illegally possessing a firearm to include misdemeanor crimes of domestic violence. Conviction for this offense is a Class G felony (maximum 5 years confinement and 5 years extended supervision).

During calendar year (CY) 2006 there were 182 offenders convicted of crimes that would have been statutorily eligible under this proposed legislation. However, out of the 182 convicted offenders the Department cannot determine which convictions were related to domestic violence since the offenses are inclusive of a variety of provisions.

The Department of Corrections is unable to estimate the number of offenders who may be subject to the criminal penalty provisions of this bill. The FY09 annual cost for an inmate in a DOC institution is approximately \$31,800. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$4,900, based on FY09 costs. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at rate of \$18,800 annually per person. The annual cost for community supervision is \$2,600.

A local impact will also occur if an adult offender is sentenced to a jail term under the provisions of this bill. The local fiscal impact cannot be estimated.

### Long-Range Fiscal Implications

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-3681/1</b>	<b>Introduction Number</b> <b>AB-0558</b>	
<b>Description</b> The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty		
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input checked="" type="checkbox"/> No State Fiscal Effect  <input type="checkbox"/> Indeterminate  <div style="margin-left: 20px;"> <input type="checkbox"/> Increase Existing Appropriations  <input type="checkbox"/> Decrease Existing Appropriations  <input type="checkbox"/> Create New Appropriations                             </div> </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                             <div style="margin-left: 20px;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget  <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Yes                                     <input type="checkbox"/> No                                 </div> </div> </div> <div style="width: 33%;"> <input type="checkbox"/> Decrease Costs                             </div> </div>		
<b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input checked="" type="checkbox"/> Indeterminate  <div style="margin-left: 20px;"> <div style="display: flex; justify-content: space-between;"> <div>                         1. <input type="checkbox"/> Increase Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                          2. <input type="checkbox"/> Decrease Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> <div>                         3. <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                          4. <input type="checkbox"/> Decrease Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> </div> </div> </div> <div style="width: 33%;"> <b>5. Types of Local Government Units Affected</b>  <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns  <input type="checkbox"/> Counties  <input type="checkbox"/> School Districts                             </div> <div style="width: 33%;"> <input type="checkbox"/> Village  <input type="checkbox"/> Others  <input type="checkbox"/> WTCS Districts                             </div> <div style="width: 33%;"> <input type="checkbox"/> Cities                             </div> </div> </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEGS                         </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>		
<b>Agency/Prepared By</b>  DOJ/ Mark Rinehart (608) 264-9463	<b>Authorized Signature</b>  Mark Rinehart (608) 264-9463	<b>Date</b>  12/4/2009



## **Fiscal Estimate Narratives**

**DOJ 12/4/2009**

LRB Number	<b>09-3681/1</b>	Introduction Number	<b>AB-0558</b>	Estimate Type	<b>Original</b>
<b>Description</b> The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty					

### **Assumptions Used in Arriving at Fiscal Estimate**

The Department of Justice does not anticipate a fiscal impact due to the enactment of 2009 Assembly Bill 558.

### **Long-Range Fiscal Implications**

## Fiscal Estimate - 2009 Session

☐ Original      ☒ Updated      ☐ Corrected      ☐ Supplemental

<b>LRB Number</b> <b>09-3681/1</b>		<b>Introduction Number</b> <b>AB-0558</b>	
<b>Description</b> The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty			
<b>Fiscal Effect</b>			
<b>State:</b>			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around;"><input type="checkbox"/> Yes      <input type="checkbox"/> No</div>	
		<input type="checkbox"/> Decrease Costs	
<b>Local:</b>			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village <input type="checkbox"/> Cities	
<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b>			
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
DOJ/ Mark Rinehart (608) 264-9463		Mark Rinehart (608) 264-9463	
		<b>Date</b>	
		1/19/2010	

## Fiscal Estimate Narratives

DOJ 1/19/2010

LRB Number	09-3681/1	Introduction Number	AB-0558	Estimate Type	Updated
<b>Description</b> The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under s. 941.29, a person is guilty of a Class G felony if he or she possesses a firearm under specified circumstances. Assembly Bill 558 adds to the existing list of specified circumstances a person who has been convicted of a misdemeanor crime of domestic violence or found not guilty by reason of mental disease or defect of a misdemeanor crime of domestic violence.

While most felony prosecutions are handled by district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Since AB 558 will increase the types of activities that can be prosecuted as a felony, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. The department anticipates that any increase in caseload would be relatively small. However, if the increase in the number of cases is larger than anticipated, the department will need additional resources.

For reference purposes, 1 FTE Criminal Appeals Attorney, on average, handles between 50-60 cases annually. The total salary, fringe, equipment, and supplies costs for 1 FTE Criminal Appeals Attorney at the minimum salary level is \$91,039 in the first year and \$82,739 in subsequent years.

### Long-Range Fiscal Implications

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-3681/1</b>	<b>Introduction Number</b> <b>AB-0558</b>	
<b>Description</b> The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty		
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect  <input type="checkbox"/> Indeterminate                      <input type="checkbox"/> Increase Existing Appropriations                      <input type="checkbox"/> Decrease Existing Appropriations                      <input type="checkbox"/> Create New Appropriations                 </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                 </div> <div style="width: 33%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget                      <input type="checkbox"/> Yes                      <input checked="" type="checkbox"/> No  <input type="checkbox"/> Decrease Costs                 </div> </div> <b>Local:</b> <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input type="checkbox"/> Indeterminate                      1. <input checked="" type="checkbox"/> Increase Costs                      3. <input type="checkbox"/> Increase Revenue                      <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      2. <input type="checkbox"/> Decrease Costs                      4. <input type="checkbox"/> Decrease Revenue                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 33%;"> <b>5. Types of Local Government Units Affected</b>  <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Towns  <input checked="" type="checkbox"/> Counties  <input type="checkbox"/> School Districts                         </div> <div> <input type="checkbox"/> Village  <input type="checkbox"/> Others  <input type="checkbox"/> WTCS Districts                         </div> <div> <input type="checkbox"/> Cities                         </div> </div> </div> </div>		
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
<b>Agency/Prepared By</b> SPD/ Mike Tobin (608) 266-8259	<b>Authorized Signature</b> Krista Ginger (608) 264-8572	<b>Date</b> 11/12/2009

## Fiscal Estimate Narratives

SPD 11/12/2009

LRB Number	09-3681/1	Introduction Number	AB-0558	Estimate Type	Original
<b>Description</b>					
The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

Although this bill would not create a new crime, it would expand the scope of the felony offense for unlawful possession of a firearm. The bill prohibits possession of a firearm by anyone convicted of a misdemeanor offense involving domestic violence. Thus, persons convicted of such a misdemeanor are subject in the future to prosecution for the felony offense of unauthorized possession of a firearm. The SPD's average cost per felony appointed to private bar attorneys was \$584.62 for fiscal year 2009.

Because probation or prison can be ordered upon conviction for felony crimes, the bill would indirectly lead to additional cases in which the Department of Corrections (DOC) would seek to revoke probation or extended supervision. The SPD provides representation in proceedings commenced by the Department of Corrections (DOC) to revoke supervision. Thus, the bill would indirectly increase the number of cases in which the SPD appoints attorneys in revocation proceedings. The average cost during fiscal year 2009 for SPD representation by a private bar attorney in a revocation proceeding was \$382.18.

Therefore, the SPD would incur additional costs under this bill. Because of the annual caseloads for staff attorney positions specified for budgeting purposes under § 977.08(5), Stats., it would be more cost effective to add staff attorney positions if a significant number of SPD cases resulted from this provision of the bill.

The SPD does not have data to determine the number of additional felony and revocation cases that would result from the expanded scope of the felony offense for unauthorized possession of a firearm. Similarly, the SPD does not have data to estimate the potential impact upon the average cost of representation in misdemeanor cases that would result in the loss of the privilege to possess a firearm. In some cases, defendants will likely be concerned about this collateral consequence and therefore, they may be more likely to assert their right to a jury trial in the misdemeanor case.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Thus, the counties would experience increased costs attributable to the higher classification of criminal charges resulting from this bill. The counties could also incur additional costs associated with incarceration of defendants, pending trial (or pending completion of revocation process) and after sentencing.

### Long-Range Fiscal Implications